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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## **OPINION 164**

On the principles to be observed in interpreting  
Article 30 of the International Code in relation  
to the types of genera when two or more genera  
are united on taxonomic grounds

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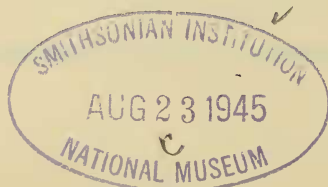
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Ref.

## OPINION 164.

### ON THE PRINCIPLES TO BE OBSERVED IN INTERPRETING ARTICLE 30 OF THE INTERNATIONAL CODE IN RELATION TO THE TYPES OF GENERA WHEN TWO OR MORE GENERA ARE UNITED ON TAXONOMIC GROUNDS.

**SUMMARY.**—The following principles are to be observed in interpreting Article 30 of the International Code in relation to the types of genera when two or more genera are united on taxonomic grounds :—(1) When two or more genera are united on taxonomic grounds, such action in no way affects the types of the genera concerned ; (2) the broader genus thus formed takes as its name the oldest available name based on any included species ; (3) the genus bearing that name retains as its type the species previously so established.

#### I.—THE STATEMENT OF THE CASE.

On 27th February 1934, Dr. Thomas Mortensen (Universitetets Zoologiske Museum, Copenhagen) addressed a communication to the International Commission on Zoological Nomenclature asking for an *Opinion* regarding the type of the genus *Tromikosoma* Mortensen, 1903 (*Dan. Ingolf-Exped.* 4:62, 64) (Class Echinoidea). In his covering letter Dr. Mortensen wrote :—

By the present I beg to submit to the International Commission on Zoological Nomenclature a little matter which I do not find covered by any of the rules or *Opinions*. It is not of great importance, but I think that it would be worth while to have it made the object of an *Opinion*, which would cover similar cases in the future.

2. The portion of Dr. Mortensen's petition relating to the type of *Tromikosoma* Mortensen has since been dealt with by the Commission in *Opinion* 131, where the text of his petition is given in full. As the present *Opinion* is concerned only with the general principle involved in that petition, only those parts of Dr. Mortensen's petition that relate to that principle are reproduced on this occasion. The extracts in question are the following :—

Pomel in his paper "*Classification méthodique et Genera des Echinides vivants et fossiles*," 1883, p. 108, established a genus *Echinisoma*, naming the species *Phormosoma uranus* A. Agassiz and *Phormosoma tenuis* A.

Agassiz as belonging to that genus, without designating any of them as the genotype.

In my work *Echinoidea I. The Danish Ingolf Expedition*. Vol. IV. 1. 1903, p. 62, I adopted the said genus of Pomel, referring to it the same two species as did Pomel, but no genotype was designated. In the same work I established the genus *Tromikosoma*, with the single species *Tromikosoma koehleri* n.sp., which is accordingly the genotype of that genus.

A. Agassiz and H. L. Clark, in their work "*Hawaiian and other Pacific Echini*" . . . designate *Phormosoma tenue* A. Agassiz as the genotype of *Echinosoma*, which is made to include also my genus *Tromikosoma*—which I agree to be correct.

The name *Echinosoma*, however, was preoccupied, no less than three times: . . . Accordingly, it cannot be used for the Echinoids, and the name *Tromikosoma* must take its place.

3. The particular question submitted by Dr. Mortensen was therefore whether *Phormosoma tenue* Agassiz (the type of the nomenclatorially unavailable *Echinosoma* Pomel) or *Tromikosoma koehleri* Mortensen (the type of *Tromikosoma* Mortensen) should be regarded as the type of the genus *Tromikosoma* Mortensen now that on taxonomic grounds the genus with the earlier but nomenclatorially unavailable name *Echinosoma* Pomel was united therewith. The question of principle involved in Dr. Mortensen's petition concerned the identity of a genus comprising two or more genera united with one another on taxonomic grounds. Was the type of the combined genus the species designated as the type of the genus so united which possessed the oldest available generic name or was it the species designated as the type of the genus so united which possessed the oldest name even if that name was unavailable nomenclatorially?

## II.—THE SUBSEQUENT HISTORY OF THIS CASE.

4. Dr. Mortensen's petition was communicated to the members of the Commission in April 1934 with a request for their views. In his covering note, Dr. Stiles expressed his own view of the matter as follows:—

The Secretary sees no difficulty whatever in this case, namely *koehleri* is the type species of *Tromikosoma*, and this point is not influenced by any restriction or by any broadening of the generic concept.

5. In February 1935 Dr. Stiles furnished to the Commission a summary of the replies received to this inquiry:—

- (a) Eight Commissioners (Apstein, Chapman, Fantham,<sup>1</sup> Jordan, Peters, Silvestri, Stiles, and Stone) had expressed themselves as of the view

<sup>1</sup> Through some oversight, Dr. Stiles omitted Dr. Fantham's name from this list and included that of Dr. Bather, who had died (on 20th March 1934) prior to the issue of the questionnaire.

that *Tromikosoma koehleri* remained the type of *Tromikosoma* Mortensen, 1903, after the incorporation in that genus of the genus possessing the (older but nomenclatorially unavailable) name *Echinosoma* Pomel, 1883.

- (b) One Commissioner (Pellegrin) had taken the opposite view but had given no reasons for so doing.

6. At some date subsequent to the preparation of the report summarised above, Commissioner Ishikawa also replied that he considered that, in the circumstances set out in the premises, the type of *Tromikosoma* Mortensen became *Phormosoma tenue* Agassiz, but he added a note in which he explained that he took this view because "the older name has the right of priority in the present case where the names *koehleri* and *tenue* are used for one and the same species." In giving this vote, Commissioner Ishikawa expressed, therefore, no opinion on the question of principle raised by Dr. Mortensen.

7. In the light of this preliminary exchange of views, Dr. Stiles invited the Commission to give a formal vote on a draft *Opinion*, the "summary" of which was confined to the statement that "The type of *Tromikosoma* Mortensen, 1903, is *koehleri*." In the following month (March 1935) Dr. Stiles included the case raised by Dr. Mortensen among those which he suggested should be considered by the International Commission when it met at Lisbon later that year.

### III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

8. The case submitted by Dr. Mortensen was considered by the International Commission at their meeting held at Lisbon on Tuesday, 17th September 1935. On the general question involved, the Commission agreed (Lisbon Session, 4th Meeting, Conclusion 8)<sup>2</sup> :—

- (a) that, when two or more genera are united on taxonomic grounds, such action in no way affects the types of the genera concerned; that the broader genus thus formed takes as its name the oldest available name based on any included species; and that the genus bearing that name retains as its type the species previously so established;

- (c) to render *Opinions* in the sense of (a) and (b) above.

<sup>2</sup> Only those portions of Conclusion 8 which relate to the question dealt with in the present *Opinion* are here quoted. The remaining portion deals with the type of *Tromikosoma* Mortensen, for which see *Opinion* 131. For the full text of Conclusion 8, see 1943, *Bull. zool. Nomencl.* 1 : 35-36.

9. Later in the same meeting as that referred to above (Lisbon Session, 4th Meeting, Conclusion 17), Commissioner Francis Hemming, who, in the absence through ill-health of Dr. C. W. Stiles, Secretary to the Commission, had been charged with the duty of preparing the report to be submitted by the Commission to the Twelfth International Congress of Zoology, reported that, in accordance with the request made by the Commission on the previous day (Lisbon Session, 3rd Meeting, Conclusion 3(b)), he had made a start with the drafting of the Commission's report; that he had made considerable progress in spite of being hampered by the lack of standard works of reference; and that he did not doubt that he would be in a position to lay a draft report before the Commission at their next meeting, though in the time available it would be quite impracticable to prepare the drafts of paragraphs relating to all the matters on which decisions had been reached during the Lisbon Session of the Commission. As agreed upon at the meeting referred to above (Lisbon Session, 3rd Meeting, Conclusion 3(a) (iii)), he was therefore concentrating upon those matters that appeared to be the more important. Commissioner Hemming proposed that those matters which it was found impossible to include in the report, owing to the shortness of the time available, should be dealt with after the Congress on the basis of the records in the *Official Record of the Proceedings of the Commission* during their Lisbon Session. For this purpose, Commissioner Hemming proposed that all matters unanimously agreed upon during the Lisbon Session should be treated in the same way, whether or not it was found possible to include references to them in the report to be submitted to the Congress, and therefore that every such decision should be treated as having been participated in by all the Commissioners and Alternates present at Lisbon. The Commission took note of, and approved, the statement by Commissioner Hemming, and adopted the proposals submitted by him, as recorded above, in regard both to the selection of items to be included in their report to the Twelfth International Congress of Zoology and to the procedure to be adopted after the Congress in regard to those matters with which, for the reasons explained, it was found impossible to deal in the report.

10. The question dealt with in the present *Opinion* was one of the matters to which it was found impossible, in the time available, to include a reference in the report submitted by the Commission to the Twelfth International Congress of Zoology at Lisbon. It is therefore one of the matters which falls to be dealt with under the

procedure agreed upon by the Commission as set out in paragraph 9 above.

11. The present *Opinion* was concurred in by the twelve (12) Commissioners and Alternates present at the Lisbon Session of the International Commission, namely :—

Commissioners :—Calman; Hemming; Jordan; Pellegrin; Peters; and Stejneger.

Alternates :—do Amaral *vice* Cabrera; Ohshima *vice* Esaki; Bradley *vice* Stone; Beier *vice* Handlirsch; Arndt *vice* Richter; and Mortensen *vice* Apstein.

12. The present *Opinion* was dissented from by no Commissioner or Alternate at the Lisbon Session.

13. The following five (5) Commissioners who were not present at Lisbon nor represented thereat by Alternates did not vote on the present *Opinion* :—

Bolivar y Pieltain; Chapman; Fantham; Silvestri; and Stiles.

14. At the time when the vote was taken on the present *Opinion*, there was one (1) vacancy in the Commission consequent upon the death of Commissioner Horváth.

#### IV.—THE AUTHORITY FOR THE ISSUE OF THE PRESENT *OPINION*.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the suspension of the rules, an *Opinion* is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission have recorded their votes in favour thereof, provided that, where any proposed *Opinion* involves a reversal of any former *Opinion* rendered by the Commission, such proposed *Opinion* shall obtain the concurrence of at least fourteen (14) Members of the Commission voting on the same before such *Opinion* is to be deemed to have been adopted by the Commission; and

WHEREAS the present *Opinion*, as set out in the summary thereof, neither requires, in order to be valid, the suspension of the rules, nor involves a reversal of any former *Opinion* rendered by the Commission; and

WHEREAS twelve (12) Members of the Commission have signified their concurrence in the present *Opinion* either in person or through Alternates at the Session of the Commission held at Lisbon in September 1935;

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me in that behalf by reason of holding the said Office of Secretary to the International Commission, hereby announce the said *Opinion* on behalf of the International Commission, acting for the International Congress of Zoology, and direct that it be rendered and printed as *Opinion* Number One Hundred and Sixty Four (*Opinion* 164) of the said Commission.

In faith whereof I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present *Opinion*.

DONE in London, this twelfth day of June, Nineteen Hundred and Forty Three, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission  
on Zoological Nomenclature.*

FRANCIS HEMMING